

MELINDA HAAG (CABN 132612)
United States Attorney

J. DOUGLAS WILSON (DCBN 412811)
Chief, Criminal Division

JANAKI GANDHI (CABN 272246)
Special Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102
Telephone: (415) 436-7050
Facsimile: (415) 436-7234
E-Mail: janaki.gandhi@usdoj.gov

Attorneys for the United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
JOSE ALFREDO GARCIA-SUAREZ,)
)
Defendant.)
_____)

No. CR 13-0423 RS

**STIPULATION AND ~~PROPOSED~~
ORDER EXCLUDING TIME UNDER 18
U.S.C. § 3161**

The parties in this case appeared before the Court on July 9, 2013, for the defendant's initial appearance before this Court and a status conference. At that time, the parties represented to the Court that granting exclusion of time under the Speedy Trial Act would be appropriate. Due to an error regarding the defendant's appearance with this Court, the defendant, who had appeared in magistrate court the same morning, was transported back to his place of custody by the U.S. Marshal Service. Consequently, the defendant was not present for his hearing. In addition, defense counsel requested additional time to review the discovery recently disclosed by the government.

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STIPULATION & ~~PROPOSED~~ ORDER EXCLUDING TIME
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1 As a result, the parties requested the Court to set the matter out for two weeks, and
2 agreed that granting exclusion of time under the Speedy Trial Act would allow the reasonable
3 time necessary for effective preparation of counsel. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). The
4 parties further agreed that the ends of justice served by granting such an exclusion of time
5 outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. §
6 3161(h)(7)(A). At the hearing, the Court made findings consistent with this agreement, and set
7 the matter to July 23, 2013.

8 SO STIPULATED:

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10 MELINDA HAAG
United States Attorney

11
12 DATED: July 9, 2013

13 _____/s/
JANAKI GANDHI
Special Assistant United States Attorney

14
15 DATED: July 9, 2013

16 _____/s/
JODI LINKER
Attorney for Defendant Jose Alfredo Garcia-Suarez

~~PROPOSED~~ ORDER

For the reasons stated above and at the July 9, 2013, hearing, the Court finds that the exclusion from the time limits applicable under 18 U.S.C. § 3161 of the period from July 9, 2013, and July 23, 2013, is warranted and that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). Denying the requested exclusion of time would deprive the parties of the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv).

IT IS SO ORDERED.

DATED: 7/11/13


THE HONORABLE RICHARD SEEBORG
United States District Judge